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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,393	10/08/2003	Marko H. Kokko	KOLS.055PA	7449

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Hollingsworth & Funk, LLC
Suite 125
8009 34th Avenue South
Minneapolis, MN 55425

EXAMINER	
WORJLOH, JALATEE	
ART UNIT	**PAPER NUMBER**
3621	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/681,393	KOKKO, MARKO H.	
	Examiner	Art Unit	
	Jalatee Worjloh	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 October 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 have been examined.

Specification

2. The disclosure is objected to because of the following informalities: typographical errors

1. see page 1, line 5 : change "conceal-ing" to "concealing"

2. see page 1, line 31 : change "ac-count" to "account"

3. see page 1,line 32: change "with-out" to "without"

4. see page 5, line 4: change "sub-subscriber" to "subscriber"

5. see page 5, line 4: change "mo-bile" to "mobile".

Appropriate correction is required.

6. The abstract of the disclosure is objected to because of a typographical error. Delete "(figure 1)" from the abstract (see bottom of abstract). Correction is required. See MPEP § 608.01(b).

Drawings

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "20" (see page 4, line 19). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2006/0004659 to Hutchinson et al. in view of US Publication No. 2001/0037316 to Shiloh.

Hutchinson et al. disclose requesting a virtual identifier by means of the first user equipment, i.e. buyer's computer, (see paragraph [0069] - the process of applying for a virtual payment account is initiated when a buyer requests an application from the Internet using the Web browser installed on the buyer's computer), establishing the virtual identifier for the first user equipment (see paragraph [0071], lines 9 & 10) and using the virtual identifier of the first user equipment for communication between the first and the second user equipment, i.e. seller website is stored on a seller's server, (see paragraph [0086] –once the buyer visits a registered seller's Web site, the buyer may order and pay for products offered using his virtual payment account). Hutchinson et al. do not expressly disclose linking the virtual identifier of the first user

equipment to the first characteristic identifier of the first user equipment. Shiloh discloses linking the virtual identifier of the first user equipment to the first characteristic identifier of the first user equipment (see paragraph [0027] – the linking between the real user information and the virtual user information is known only to the user and to an organ of the AVPP). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Hutchinson et al. to include the step of linking the virtual identifier of the first user equipment to the first characteristic identifier of the first user equipment. One of ordinary skill in the art would have been motivated to do this because it ensures that the virtual user can be identified in order to process the transaction (e.g. charge his/hers account, contact the user, ship product).

Referring to claim 2, Hutchison et al. disclose requesting the virtual identifier from the service network, i.e. commerce gateway, (see paragraph [0069] – Once the request for the application form is received by the commerce gateway, the commerce gateway provides buyer computer the application.)

Referring to claim 3, Hutchinson et al. disclose a method for requesting a virtual identifier (see claim 1 above). Hutchinson et al. do not expressly disclose requesting multiple virtual identifiers from the service network. Shiloh discloses requesting multiple virtual identifiers from the service network, AVPP, (see paragraph [0085] – In Shiloh the user may have "more than one virtual personality, user may nonetheless establish more than one anonymous account with the AVPP".). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Hutchinson et al. to include the step of requesting multiple virtual identifiers from the service network. One of ordinary skill

in the art would have been motivated to do this because it allows the user to "play different roles on the Internet" (see Shiloh paragraph [0085]).

Referring to claim 4, Hutchinson et al. disclose a method for requesting a virtual identifier (see claim 1 above). Hutchinson et al. do not expressly disclose establishing the virtual identifier in the service network. Shiloh discloses establishing the virtual identifier in the service network (see paragraph [0048] – the AVPP may provide user with a virtual user name and virtual user information). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Hutchinson et al. to include the step of establishing the virtual identifier in the service network. One of ordinary skill in the art would have been motivated to do this because it creates an environment of privacy on the Internet (see paragraph [0022] of Shiloh).

Referring to claim 5, Hutchinson et al. disclose establishing the virtual identifier (see claim 1 above). Hutchinson et al. do not expressly disclose the service network comprises a set of virtual identifiers, one or more of which are linked to the first characteristics identifier of the first user equipment. Shiloh discloses the service network comprises a set of virtual identifiers, one or more of which are linked to the first characteristics identifier of the first user equipment (see claims 1 and 3 above). One of ordinary skill in the art would have been motivated to do this because it ensures that the virtual user can be identified in order to process the transaction (e.g. charge his/hers account, contact the user, ship product).

Referring to claim 6, Hutchinson et al. disclose using a virtual identifier in communication between the first and second user equipment (see claim 1 above). Hutchinson et al. do not expressly disclose selecting, in the service network, the virtual identifier to be used for

communication between the first and the second user equipment. Shiloh discloses selecting, in the service network, the virtual identifier to be used for communication between the first and the second user equipment (see paragraph [0085] – a user may choose a different virtual entity for a given session). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Hutchinson et al. to include the step of selecting, in the service network, the virtual identifier to be used for communication between the first and the second user equipment. One of ordinary skill in the art would have been motivated to do this because it allows the user to interact anonymously on the Internet (see paragraph [0022]).

Referring to claim 7, Hutchinson et al. disclose establishing the virtual identifier (see claim 1 above). Hutchinson et al. do not expressly disclose establishing the virtual identifier in the first use equipment (see paragraph [0048] – the real user may edit and/or expand the content of the virtual user and/or add more information related to the virtual user. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Hutchinson et al. to include the step of establishing the virtual identifier in the first use equipment. One of ordinary skill in the art would have been motivated to do this because it provides additional anonymity.

Referring to claims 8 and 11, Hutchinson et al. disclose transmitting to the service network a request for establishing a communications connection between the first and the second user equipment, the request comprising the virtual identifier of the first user equipment (see paragraphs [0069] & [0086]).

Referring to claim 9, Hutchinson et al. disclose establishing communication between a first and second user equipment (see claim 1 above). Hutchinson et al. do not expressly disclose using a short message service for transmitting the request for establishing the communication between the first and the second user equipment. Shiloh discloses using a short message service, i.e. chat server, (see paragraph [0070] – users may use the virtual entities to interact with e-tailer, other users, web browser, or chat room). Shiloh does not explicitly state that the short message service is for transmitting the request for establishing the communications connection between the first and the second user equipment, but the examiner notes that the chat room of Shiloh is capable of performing the step. Thus, "the recitation of a new intended use for an old product does not make a claim to that old product patentable." *In re Schreiber,* 44 USPQ2d 1429 (Fed. Cir. 1997).

Referring to claim 10, Hutchinson et al. disclose establishing communication between a first and second user equipment (see claim 1 above). Hutchinson et al. do not expressly disclose an electronic mail server service for transmitting the request for establishing the communications connection between the first and the second user equipment. Shiloh discloses an electronic mail server service (see paragraph [0071] – the AVPP Internet site includes an e-mail server). Shiloh does not explicitly state that the email server is for transmitting the request for establishing the communications connection between the first and the second user equipment, but the examiner notes that the server of Shiloh is capable of performing the step. Thus, "the recitation of a new intended use for an old product does not make a claim to that old product patentable." *In re Schreiber,* 44 USPQ2d 1429 (Fed. Cir. 1997).

Referring to claim 11, Hutchison et al. disclose transmitting the request for establishing the communications connection between the first and the second user equipment from the second user equipment (see claim 8 above; also, note that Hutchison et al. teach a second user sending a response/service/product information).

Referring to claim 12, Hutchinson et al. disclose receiving in the first user equipment virtual identifier (see claim 1 above). Hutchinson et al. do not expressly disclose receiving information about the use of the virtual identifier of the first user equipment. However, this difference is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The receiving step would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention form the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry,* 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive any type of data because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Referring to claim 13, Hutchinson et al. disclose establishing a virtual identifier (see claim 1 above). Hutchinson et al. do not expressly disclose predetermining a given validity period during which the virtual identifier is valid. Shiloh discloses predetermining a given validity period during which the virtual identifier is valid (see paragraph [0020] – the virtual entity may have an expiration date). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Hutchinson et

al. to include the step of predetermining a given validity period during which the virtual identifier is valid. One of ordinary skill in the art would have been motivated to do this because it provides additional security for the user's real identity by using the virtual identifier for a short period.

Referring to claim 14, Hutchinson et al. disclose predetermining one or more user equipment that have the right to use the virtual identifier (see paragraphs [0014] & [0077] – the user may establish sub-accounts).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Publication No. 2003/0009523 to Lindskog et al. discloses a system and method for securing privacy of chat participants.
- US Publication No. 2005/0232191 to Wills discloses a method and apparatus for protecting identities of mobile devices on a wireless network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571) 272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Jalatee Worjloh
Patent Examiner
Art Unit 3621

February 15, 2006